

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RODNEY NICHOLS,

Defendant.

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Case No. 3:04cr002

JUDGE WALTER HERBERT RICE

DECISION AND ENTRY SUSTAINING DEFENDANT'S MOTION TO
REDUCE SENTENCE, PURSUANT TO 18 U.S.C. § 3582(c)(2), IN AN
AGREED DISPOSITION CASE (DOC. #73); SENTENCE REDUCED
ACCORDINGLY

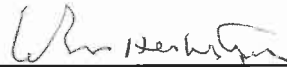
Pursuant to the reasoning and citations of authority set forth in the Motion of the Defendant to reduce sentence, pursuant to 18 U.S.C. § 3582(c)(2), in an agreed disposition case (Doc. #73), as well as upon a through de novo review of the applicable law, said unopposed Motion is deemed to be well taken and same is, therefore, sustained in its entirety.

Accordingly, the concurrent 27-month sentences imposed on Counts One and Three on July 30, 2004 (Doc. #31, journalized in a Judgment Entry filed September 17, 2004, at Doc. #32) are reduced to concurrent sentences of 10 months, based upon the retroactive application of the November 1, 2010, Fair

Sentencing Act of 2010, said concurrent 10-month sentences to run consecutively to the 120-month sentence imposed on Count Two of the Indictment, for the Defendant's violation of 18 U.S.C. § 924(c), imposed on the same date and journalized in the same document.

The Bureau of Prisons and the institution in which the Defendant is currently incarcerated should adjust their records on an immediate basis.

November 18, 2011



WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Ken Parker, AUSA
Steven S. Nolder, Federal Public Defender
Rodney Nichols, 43760-061, Federal Prison Camp, P.O. Box 6000,
Ashland, KY 41105
United States Marshal